PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION COMMITTEE **AGENDA DATE: January 14, 2021**

FROM: PLANNING & DEVELOPMENT SERVICES DEPT. **AGENDA TIME 1:30 PM/No. 1**

PROJECT TYPE: Conditional Use Permit #19-0026 amending CUP #16-0008
Pyramid Construction and Aggregates - American Girl East SUPERVISOR DIST # 5

LOCATION: 3737 American Girl Road APN: 050-320-031

Winterhaven, CA PARCEL SIZE: 40 of 799.65 acres

GENERAL PLAN (existing) Recreation/Open Space GENERAL PLAN (proposed) NA

ZONE (existing) S2 (Open Space/Preservation) ZONE (proposed) NA

GENERAL PLAN FINDINGS ☒ CONSISTENT ☐ INCONSISTENT ☐ MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 01/14/2021

INITIAL STUDY: 19-0031

☐ NEGATIVE DECLARATION ☐ MITIGATED NEG. DECLARATION ☐ EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	☒ NONE	☐ ATTACHED
APCD	☐ NONE	☒ ATTACHED
AG	☒ NONE	☐ ATTACHED
E.H.S.	☒ NONE	☐ ATTACHED
FIRE / OES	☐ NONE	☒ ATTACHED
OTHER		

REQUESTED ACTION:

SEE ATTACHED

☐ NEGATIVE DECLARATION
☐ MITIGATED NEGATIVE DECLARATION

Initial Study & Environmental Analysis
For:

Conditional Use Permit #19-0026
Pyramid Construction & Aggregates, Inc.
American Girl East MI #91-13-0112

Prepared By:

COUNTY OF IMPERIAL
Planning & Development Services Department
801 Main Street
El Centro, CA 92243
(442) 265-1736
www.icpds.com

January 2021

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SECTION 1
INTRODUCTION

A. PURPOSE

This document is a ☐ policy-level, ☒ project level Initial Study for evaluation of potential environmental impacts resulting with the proposed Pyramid Construction/American Girl East Conditional Use Permit #19-0026.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS AND THE IMPERIAL COUNTY'S RULES AND REGULATIONS TO IMPLEMENT CEQA, AS AMENDED

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County's Rules and Regulations to Implement CEQA, as amended and the **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

☐ According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

☐ According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

☐ According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will not result in any potentially significant environmental impacts and therefore, a Negative Declaration is deemed as the appropriate document to provide necessary environmental evaluations and clearance as identified hereinafter.

This Initial Study and Negative Declaration are prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State & County of Imperial's Rules and Regulations to Implement the California Environmental Quality Act of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.); applicable requirements of the County of Imperial; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

Pursuant to the County of Imperial Rules and Regulations to Implement CEQA, depending on the project scope, the County of Imperial Board of Supervisors, Planning Commission and/or Planning Director is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency

which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION

This Initial Study and Negative Declaration are informational documents which are intended to inform County of Imperial decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

The Initial Study and Negative Declaration, prepared for the project will be circulated for a period of 20 days (*30-days if submitted to the State Clearinghouse for a project of area-wide significance*) for public and agency review and comments. At the conclusion, if comments are received, the County Planning & Development Services Department will prepare a document entitled "Responses to Comments" which will be forwarded to any commenting entity and be made part of the record within 10-days of any project consideration.

D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

SECTION 1

I. INTRODUCTION presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

SECTION 2

II. ENVIRONMENTAL CHECKLIST FORM contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a significant impact, potentially significant impact, or no impact.

PROJECT SUMMARY, LOCATION AND EVIRONMENTAL SETTINGS describes the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

ENVIRONMENTAL ANALYSIS evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

SECTION 3

III. MANDATORY FINDINGS presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

IV. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in preparation of this Initial Study and Negative Declaration.

V. REFERENCES lists bibliographical materials used in preparation of this document.

VI. NEGATIVE DECLARATION – COUNTY OF IMPERIAL

VII. FINDINGS

SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)

E. SCOPE OF ENVIRONMENTAL ANALYSIS

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A "No Impact" response is adequately supported if the impact simply does not apply to the proposed applications.

2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.

3. **Less Than Significant With Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact".

4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS

This Initial Study and Negative Declaration will be conducted under a ☐ policy-level, ☒ project level analysis. Regarding mitigation measures, it is not the intent of this document to "overlap" or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County's jurisdiction, are also not considered mitigation measures and therefore, will not be identified in this document.

G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

1. Tiered Documents

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

"Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects;

incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project."

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

"Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration."

Further, Section 15152(d) of the CEQA Guidelines states:

"Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

(1) Were not examined as significant effects on the environment in the prior EIR; or

(2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means."

2. Incorporation By Reference

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]). This document incorporates by reference appropriate information from the "Final Environmental Impact Report and Environmental Assessment for the "County of Imperial General Plan EIR" prepared by Brian F. Mooney Associates in 1993 and updates.

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR and updates are available, along with this document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.

- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.

- These documents must summarize the portion of the document being incorporated by reference or briefly describe information that cannot be summarized. Furthermore, these documents must describe the

relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.

- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150[d]). The State Clearinghouse Number for the County of Imperial General Plan EIR is SCH #93011023.

- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]). This has been previously discussed in this document.

II. Environmental Checklist

1. **Project Title**: Pyramid Construction/American Girl East Conditional Use Permit #19-0026
2. **Lead Agency**: Imperial County Planning & Development Services Department
3. **Contact person and phone number** Patricia Valenzuela, Planner IV, Phone: (442) 265-1736, ext. 1749, Fax: (442) 265-1735
4. **Address**: 801 Main Street, El Centro CA, 92243
5. **E-mail**: patriciavalenzuela@co.imperial.ca.us
6. **Project location**: The Pyramid Construction & Aggregates, Inc. "American Girl East" mine site is located on Federal land, currently open desert encompassing 40 acres of a 799.68 acre parcel. The site is approximately 12.5 miles Northwest of Winterhaven, CA, approximately 2.58 miles East of Ogilby Rd, in Northwest Imperial County. It is located on Assessor's Parcel Number 050-320-031-000, and further described as the portion of Section 19, Township 15 South, and Range 21 East.
7. **Project sponsor's name and address**: Pyramid Construction & Aggregates, Inc.

   839 Dogwood Rd, Heber, CA. (Applicant)

   1666 4th Ave, El Centro, CA 92243 (BLM Property Owner)
8. **General Plan designation**: Recreational/Open Space
9. **Zoning**: S-2 (Open Space/Preservation)
10. **Description of project**: The Pyramid Construction & Aggregates, Inc. has submitted Conditional Use Permit #19-0026 to construct and operate a portable asphalt batch plant on their existing, 40-acre American Girl East mining site. Their Reclamation Plan #08-0001 and Conditional Use Permit #08-0001 (for a water well, located on APN 050-120-009-000) were approved by the Imperial County Planning Commission on August 27, 2008. The existing asphalt plant, approved in 2016, will provide asphalt to projects in the area.

    The asphalt plant will include a baghouse, drum mixer, incline conveyor, two ac tanks, cold feed bin, control house, and an 80-ton load out silo. A pug mill plant will also be installed along with a 1,000-gallon water tank, a fully portable 550 BBL silo to store lime, an enclosed rotary vane feed, and two enclosed conveyors. The maximum production is currently 250 tons per hour (tph) or as specified by the Imperial Air Pollution Control District Permit.

    The mining site and asphalt plant will operate in daylight only (between 7:00 am and 4:00 pm) during winter months and the staring time in the summer will be 6:00 am, six (6) days a week. No Sundays or holiday operations. Annual extraction combined for both the mining site and plant is 500,000 cubic yards of material. Maximum daily truck trips is 250.

11. **Surrounding land uses and setting**: The project site is located approximately 12.5 miles northwest of Winterhaven, CA, approximately 2.58 miles east of Ogilby Rd, in northwest Imperial County. The project is located entirely on previously disturbed lands associated with the former American Girl Mine-Padre Madre Mining Operation. The project area is West of the Cargo Muchacho Mountains on Pilot Knob Mesa near the mouth of American Girl Wash at an elevation ranging from approximately 400 to 520 feet above sea level. The topography is desert landscape and low mountains ranges with barren, rocky slopes. The Cargo Muchacho Mountains have long been mined for gold and associated minerals.

12. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.):

a) Planning Commission
b) Bureau of Land Management

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology /Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality
☐ Land Use / Planning	☐ Mineral Resources	☐ Noise
☐ Population / Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Utilities / Service Systems	☐ Mandatory Findings of Significance
☐ Wildfires	☐ Tribal Cultural Resources	☐ Energy

ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION

After Review of the Initial Study, the Environmental Evaluation Committee has:

☐ Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DE MINIMIS IMPACT FINDING: ☐ Yes ☐ No

EEC VOTES	YES	NO	ABSENT
PUBLIC WORKS	☐	☐	☐
ENVIRONMENTAL HEALTH SVCS	☐	☐	☐
OFFICE EMERGENCY SERVICES	☐	☐	☐
APCD	☐	☐	☐
AG	☐	☐	☐
SHERIFF DEPARTMENT	☐	☐	☐
ICPDS	☐	☐	☐

Jim Minnick, Director of Planning/EEC Chairman

Date:

PROJECT SUMMARY

A. Project Location:
The Pyramid Construction & Aggregates, Inc. "American Girl East" mine site is located on Federal land, currently open desert encompassing approximately 40 acres of a 799.68-acre parcel. The site is approximately 12.5 miles Northwest of Winterhaven, CA, approximately 2.58 miles East of Ogilby Rd, in Northwest Imperial County. It is located on Assessor's Parcel Number 050-320-031-000 and further described as the portion of Section 19, Township 15 South, and Range 21 East.

B. Project Summary:
The Pyramid Construction & Aggregates, Inc. has submitted Conditional Use Permit #19-0026 to construct and operate a portable asphalt batch plant on their existing, 40-acre American Girl East mining site. Their existing Reclamation Plan #08-0001 and Conditional Use Permit #08-0001 (for a water well, located on APN#050-120-009-000) were approved by the Imperial County Planning Commission on August 27, 2008. If approved the asphalt plant will provide asphalt to projects in close vicinity..

The asphalt plant will include a baghouse, drum mixer, incline conveyor, two ac tanks, cold feed bin, control house, and an 80-ton load out silo. A pug mill plant will also be installed along with a 1,000-gallon water tank, a fully portable 550 BBL silo to store lime, an enclosed rotary vane feed, and two enclosed conveyors. The maximum production is currently 250 tons per hour (tph) or as specified by the Imperial Air Pollution Control District Permit. The maximum annual production is 250,000 tons (150,602 cubic yards) for ICAPCD evaluation purposes.

The Mining Site and asphalt plant will operate in daylight only (between 7:00 am to 4:00 pm) during winter months and the starting time in the summer will be 6:00 am, six (6) days a week. No Sundays or holiday operations. Annual extraction combined for both the mining site and plant is 500,000 cubic yards of material. Maximum daily truck trips is 250.

C. Environmental Setting:
The topography is desert landscape and low mountain ranges with barren, rocky slopes. The Cargo Muchacho Mountains have long been mined for gold and associated minerals.

D. Analysis:
The proposed project is a sand and gravel operation, in an area where gold mining has been historically conducted. The approval of this project would be consistent with existing practices and federal, state, and county regulations. The proposed operation is located on Federal Land (BLM); therefore, requiring an amendment to their "Plan of Operations" which is being reviewed by BLM staff concurrently with the County process.

E. General Plan Consistency:
The Imperial County General Plan designates this area as "Recreation/Open Space"; the project is zoned S-2 (Open Space/Preservation) which allows an asphalt batch plant, with an approved Conditional Use Permit. Thus, this project is consistent with the Imperial County General Plan.

Exhibit "A"
Vicinity Map

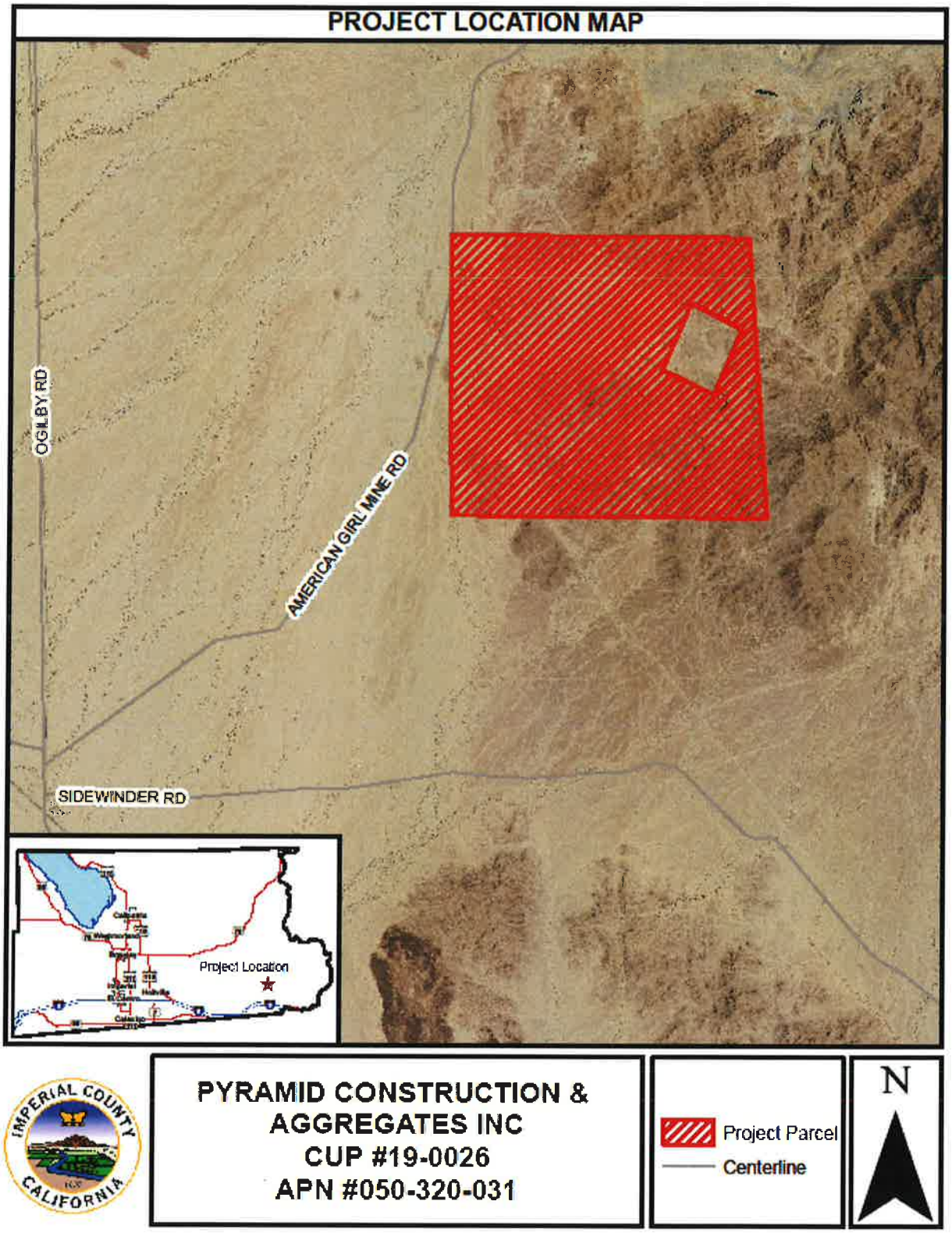
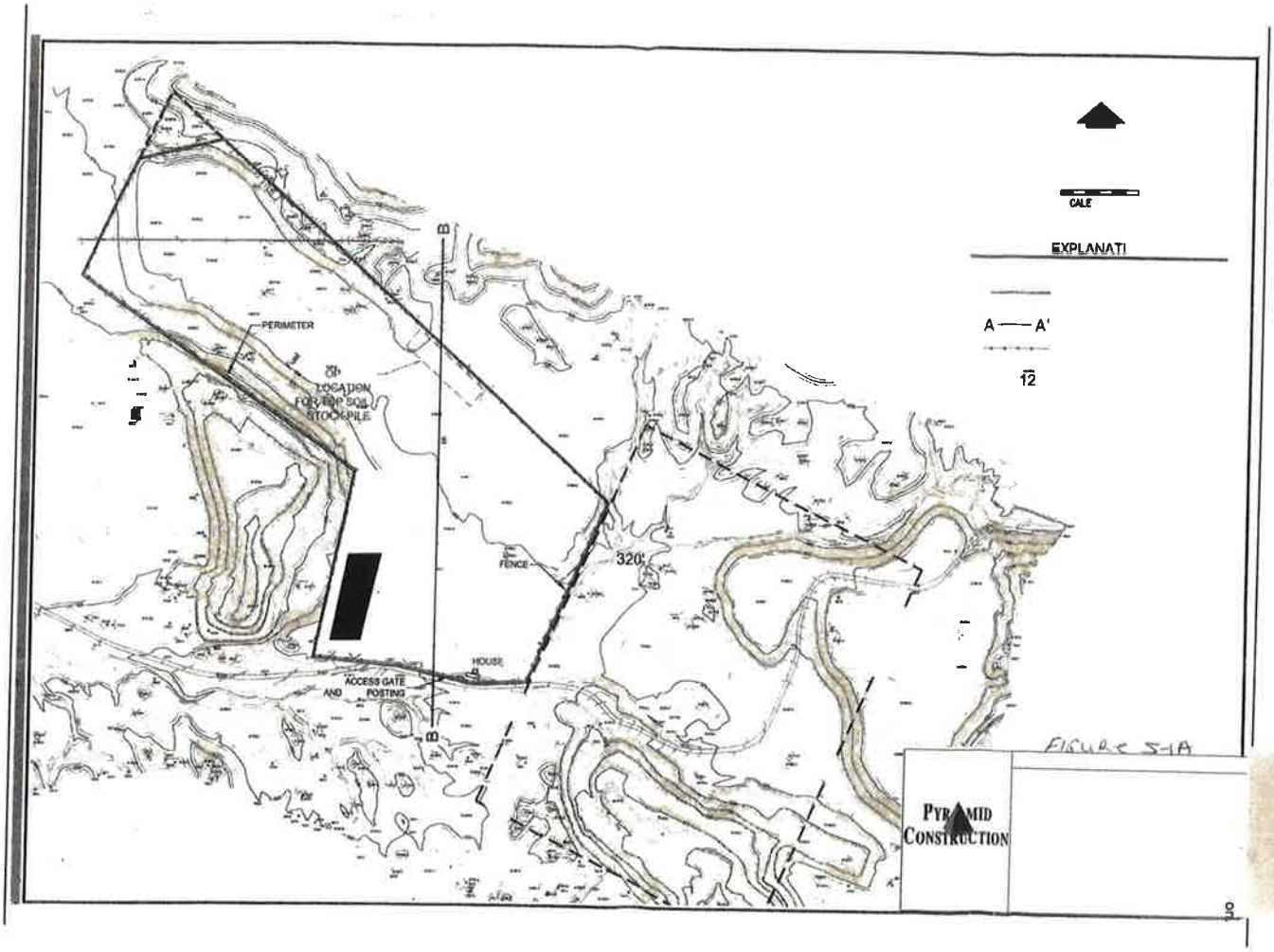


Exhibit "B"
Site Plan/Tract Map/etc.



EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
I. *AESTHETICS*				
Would the project:				
a) Have a substantial adverse effect on a scenic vista or scenic highway?	☐	☐	☒	☐
a) A scenic vista is the view of an area that is visually or aesthetically pleasing. Aesthetic components include (1) scenic quality, 2) sensitivity level, and 3) view access. The project area is not located in the vicinity of a scenic highway according to the Circulation/Scenic Highways Element of the Imperial County General Plan. The current project area has long been an area of active mining and the current vistas reflect the associated surface disturbance. The addition of the asphalt plant to the mining operation will not impact any more than the impact currently due to the existing mining operations; therefore, the project will not change the scenic view of the area, thus the impact would be considered less than significant.				
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
b) Mining has been conducted in the area for years and the continuation of the asphalt plant will not create any more of a scenic impact. Therefore, no impact is expected.				
c) Substantially degrade the existing visual character or quality of the site and its surrounding?	☐	☐	☒	☐
c) The existing site is currently being mined and has been for many years; is not expected to substantially degrade the existing visual character of the area. The surrounding area was once mined for gold and other associated minerals. The continuation of the asphalt plant will not impact the overall visual impacts; therefore; the impacts appear to be less than significant.				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐
d) As stated in section (c) above, the project area is an existing mining site and the proposal does not appear to create an impact. The project <u>will not</u> operate at night and, therefore, the site does not appear to create any substantial light or glare and any impact the project may have. It is anticipated to be less than significant.				
II. *AGRICULTURE AND FOREST RESOURCES*				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. --Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
a) The proposed project site is not located on agricultural land nor is it located near any agricultural use. Therefore, the proposed project would not convert farmland and would not have an impact on farmland.				
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	☐	☐	☐	☒
b) The proposed mining area is not zoned "Agriculture", it is zoned S-2 (Open Space/Preservation), S-2 allows mining and the operation of an asphalt batch plant with the approval of a reclamation plan and conditional use permit. Therefore, the proposed project would not impact agricultural zoning or require a Williamson Act contract to be cancelled, thus no impact.				

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒

c) The proposed project area is zoned S-2 (Open Space/Preservation), and located in an open desert area with low mountain ranges. The proposed project would not conflict with existing zoning or cause rezoning of forest land, timberland or land zoned "Timberland Production". Therefore, the proposed project is not expected to have an impact.

d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒

d) The proposed mining project is surrounded by open desert, thus the proposed project would not result in the loss of forestland or the conversion of forestland. Therefore, the proposed project would not have an impact on forestland.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

e) The mining area is located in a desert landscape with low mountains and the area has been mined for several years. The operation of the asphalt plant would not convert farmland or convert forest land to non-agricultural or non-forest land use; therefore, no impact is expected.

III. *AIR QUALITY*

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to the following determinations. Would the Project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐

a) The Operator shall comply with the Imperial County Air Pollution Control (ICAPCD) regulations to control dust and other emissions by implementing the ICAPCD Fugitive Dust Control Plan (ICAPCD Regulation VIII) on the existing site. A constructional and operational dust control plan must be submitted to APCD to include, but not limited to, dust suppression for employee vehicles and trucks entering and departing from the site. The water to be used on-site will be hauled in from an existing water well approved by Imperial County Planning Commission and will be utilized for dust suppression.

The Operator is required to secure a Permit from APCD to assure that there will not be an increase in the emissions inventory; therefore, impacts would be considered less than significant.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐

b) The County is in non-attainment for ozone and PM10 and the offsetting threshold for these pollutants is 137 pounds per day. The proposed asphalt plant has the combined potential emission of 164.81 pounds per day of NOx and 193.09 pounds per day of particulate; however, the Operator is required to offset any emission over 137 pounds per day. The Operator is required to secure an Authority to Construct and a Permit to Operate a Portable Hot Mix Asphalt Plant; this will require the Operator to install emission-control devices to assure that there is no net increase in emissions, which should reduce impacts to less than significant.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐

c) A Hot Mix Asphalt plant has the potential to emit PM10 and PM2.5 as well as gaseous emissions; however, the Operator is required to continue to comply with the Imperial County Air Pollution Control Districts Regulation VIII and also comply with the conditions of approval for the new Authority to Construct and Permit to Operate a Portable Hot Mix Asphalt Plant. Therefore, the proposed project shall not result in a cumulatively considerable net increase of criteria pollutants in a region that is at non-attainment under the applicable Federal and State ambient air quality standards. Therefore, impacts are

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
anticipated to be less than significant.				
d) Expose sensitive receptors to substantial pollutants concentrations?	☐	☐	☒	☐

d) The proposed site is not located near any sensitive receptors. Operator will use water in dust abatement and/or wash operations used to prepare material for asphalt production. Roads shall be watered as needed (hourly) when the site is operational to comply with the 20%-opacity standard; the intent is to control dust caused by the hauling, mining, and/or processing operations. Additionally, the Operator is required to comply with the APCD permits to assure that there is no net emissions increase. Therefore, impacts would be considered less than significant.

e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

e) The proposed asphalt plant is in an isolated area. Due to its location, the impact from odor would be considered less than significant.

IV. *BIOLOGICAL RESOURCES*

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐

a) The proposed mining site, per the Imperial County General Plan Conservation and Open Space Element (updated March 8, 2016) Figure 3, is not located in an "Agency Designated Habitat". Additionally, per Sensitive Species Figure 2) of the Conservation Open Space Element, the northwest portion of the large parcel is designated the "Burrowing Owl Species Distribution Model"; the project site is not located within that boundary. However, mitigation measures were added for the Desert Tortoises during the CEQA analysis (Initial Study #08-0026) for the mining operation. The mitigation measures were implemented and will remain in place for the life of the project.

BIO-1 Previous Mitigation Measure IV (a)

If Desert Tortoises are found, applicant shall contact the County and jointly contact the Service. The applicant shall fence the project area to prevent Desert Tortoises from moving onto the site, or migrating through the site. A worker education program must be implemented and the applicant may be required to obtain permits from CDFG. (The Operator has implemented the Desert Tortoises Mitigation as well as the BLM Stipulations stated in their EA#CA-760- 2008-76, dated November 2011.)

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐

b) The proposed asphalt batch plant is not expected to have an adverse effect on any riparian habitat or other sensitive natural community; however, the Operator has and will continue to comply with the BLM Stipulations (Measures to protect Wetland and Wash Habitat including Microhyll Woodlands) listed in the BLM EA#CA-760-2008-76, dated November 2011. Therefore, any impacts would be considered less than significant

BIO-2 Previous Mitigation Measure BLM EA#CA-760-2008-76, dated November 2011

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
c) The project is not near a Federally-protected wetland under the Clean Water Act, Section 404; therefore, no impact is expected.				
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
d) No impact would be expected on movement of resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors.				
e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
e) The Project will not conflict with any local policies or ordinances protecting biological resources; therefore, no impact is expected.				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☒	☐	☐
f) The proposed project may have an impact on biological conservation plans; however, with the implementation of the mitigations listed in IV (a) and the BLM Stipulations stated in BLM EA#CA-760-2008-76, dated November 2011, any impacts would be less than significant.				
BIO-2 Previous Mitigation Measure BLM EA#CA-760-2008-76, dated November 2011				

V. *CULTURAL RESOURCES*

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☒	☐
a) Based on a site visit conducted by a Registered Professional Archaeologist in March 2008, records search, map information, and aerial photographs of the site and historic consultation, it was concluded that cultural resources on the site are nonexistent due the extensive site disturbance by previous mining activity. Therefore, any impact would be less than significant.				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
b) As stated in (a) above, due to the extensive mining activity, there would be no substantial adverse change in the significance of an archaeological resource; therefore, no impact is anticipated.				
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
c) The project is not expected to disturb human remains, including those interred outside of formal cemeteries. Therefore, no impact is expected.				

VI. *ENERGY Would the project:*

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☐	☒
a) No consumption of energy is anticipated for this proposed asphalt plant. No impacts are expected.				

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

b) No local or state plans regarding energy are anticipated; therefore, no impacts are expected to occur.

VII. *TRIBAL CULTURAL RESOURCES*

a) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in §21074?	☐	☐	☒	☐

Pa) Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to require that: 1) a lead agency provide notice to any California Native American tribes that have requested notice of projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe.

Based on Best Management Practices, IC Planning and Development Services (ICPDS) filed a Sacred Lands request with the Native American Heritage Commission (NAHC); per NAHC letter attached (dated April 6, 2016), we were advised to contact the Fort Yuma Indian Reservation. ICPDS did contact the Quechan Cultural Committee and conducted a joint site inspection. The Committee determined a "No Significant Finding Of Native American Cultural Resource" existed on site (Manfred Scott email dated May 23, 2016).

Additionally this modification CUP #19-0026, a letter was also mailed to NAHC and no responses were received. Therefore, less than significant impacts are expected.

VIII. *GEOLOGY AND SOILS*

Would the project:

a) Expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving:	☐	☐	☒	☐

a) The proposed project does not appear to expose people or structures to potential substantial adverse effects impacts including loss, injury or death involving the asphalt batch plant. The impacts are expected to be less than significant.

1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☒	☐

a1) According to the State of California's Alquist-Priolo Earthquake fault zone maps, the proposed project is located outside of an earthquake zone. The site could be affected by the occurrence of seismic activity, but no more than the surrounding properties. As a result, neither people nor structures would be exposed to potential adverse effects from fault rupture. Therefore, any impact would be considered less than significant.

A2) Strong Seismic ground shaking?	☐	☐	☒	☐

a2) The proposed project would face limited risk from most types of geological events such as earthquakes due to the site's location. Therefore, any impacts would be considered less than significant.

A3) Seismic-related ground failure, including liquefaction and seiche/tsunami?	☐	☐	☒	☐

a3) The proposed mining operation is not located near a body of water for a seiche to result, and liquefaction is not likely to develop; therefore, any impact from ground failure would be considered less than significant.

a4) Landslides?	☐	☐	☒	☐

a4) The proposed project is not located in an area considered for landslides per the Department of Conservation Geologic Hazards; due to its isolated location, the risk from most type of geological events would be limited. Therefore, any impacts

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
would be considered less than significant.				
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

b) The Operator submitted a grading permit to Imperial County Public Works, which was implemented prior to the commencement of the existing mining operation. The Operator has constructed an asphalt slab where the asphalt plant is located, which will reduce the possibility of soil erosion. Therefore, any impact would be less than significant.

c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒

c) The proposed project would not modify any drainage diversion channels and, thus, would not increase or change potential erosion associated with diversion channels. Therefore, no impact would be associated with this impact criterion.

d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial risk to life or property?	☐	☐	☐	☒

d) The mine site does not include any expansive soils, as defined in Table 18-1-B of the Uniform Building Code. Therefore, no impact is expected.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

e) No septic tanks or other alternative wastewater disposal systems are proposed. Portable toilets will be provided for employees; therefore; the project would not have an impact to waste water systems.

IX. *GREENHOUSE GAS EMISSION*

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐

a) Truck traffic shall not exceed 250 truck trips per day, as approved in the Reclamation Plan #08-0001. This traffic count includes the aggregate operations, as well as the asphalt plant. Therefore, any GHG impacts that may result from the continuation of the mining operation and plant would be considered to be less than significant.

b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

b) The project will not conflict with any plan or policy of reducing greenhouse gas emissions. The Operator is required to comply with IC Air Pollution Control District; therefore, no impact is expected.

X. *HAZARDS AND HAZARDOUS MATERIALS*

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐

a) The Operator will store on site asphaltic oil, lime, and diesel fuel for the asphalt plant. Although these products could be potentially hazardous to human health, the Operator has trained and issued proper safety glasses, and gloves; long sleeves must be worn by all the employees. Additionally, the Operator will continue to report to the Certified Unified Program Agency (CUPA), as required by the California Health and Safety Code. Therefore, any impacts would be

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
considered less than significant.				
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
b) As stated in (a) above, the Operator's employees have been trained in the handling of hazardous materials. Additionally, the Operator has on file a Hazardous Management Plan with the local Certified Unified Program Agency, which will be updated with the asphalt plant emergency plan. Therefore, any impacts to the public or the environment through reasonable foreseeable upset and accident conditions would be less than significant.				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school?	☐	☐	☐	☒
c) There are no schools within one-quarter mile of the project site. Therefore, no impact is expected.				
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
d) The project is not located on or near a State of California listed hazardous materials site as identified in Government Code Section 65962.5.				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
e) The project is not located within the sphere of influence of a public airport; therefore, no impact is expected.				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) The proposed project is not within the vicinity of a private airstrip; therefore, no impact is expected.				
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) The project site access is via Ogilby Road Exit from Interstate 8, to American Girl Road. The American Girl Road would allow emergency vehicles to access the site. Therefore, the proposed project would not interfere with any emergency response plan and, no impact is expected.				
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒
h) The proposed project is not located within a wildland fire hazard area. Further, the project does not include housing or other significant structures which could cause death or injury in the event of a wild fire. Therefore, no impacts are expected.				

XI. *HYDROLOGY AND WATER QUALITY*

Would the project:

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐

a) The asphalt plant activities under the proposed project would be similar to those activities currently ongoing at the mine site and previously analyzed for Reclamations Plan #08-0001 and Conditional Use Permit #08-0001. The project must implement Best Management Practices (BMPs) in accordance with regulatory requirements to ensure compliance with water quality and waste discharge requirements. The existing Stormwater Pollution Prevention Plan (SWPPP) for the site shall be updated as necessary to address proposed asphalt batch plant. Any impacts that may materialize would be considered less than significant.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐

b) The project proposes to utilize water from a water well located on APN #050-120-009-000/CUP #08-0001, which was approved by the Planning Commission in 2008. The Permittee was approved to extract 57-acre feet of groundwater per year. Based on Annual Reports submitted by Pyramid Construction & Aggregates, Inc. for 2014, 2015, and 2016 the average water use is 17 acre feet per year. The Operator estimates, based on the asphalt plant operating 100 days per year (APCD requirement), an additional three (3)-acre feet of water per year will be needed. Therefore, based on the Operator's entitlement of 57 acre feet of water per year, and their estimated use of water to be 20 acre feet of water per year, any impact on the aquifer would be less than significant. .

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐

c) A grading and drainage plan shall be submitted to the Imperial County Department of Public Works for their review and or approval; this plan requires erosion control measures to lessen erosion impacts and prevent runoff to adjacent operations. Impacts would be less than significant.

d) Substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐

d) The operator will be required to maintain a "Storm Water Pollution Prevention Plan and Monitoring Program" and to follow "best management practices" to reduce impacts of surface water to less than significant.

e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐

e) The proposed mining project is located on Federally owned land that does not allow chemical dust control, which could possibly contribute to pollution of runoff. Additionally, as stated above, the Operator shall maintain on file an up-to-date "Strom Water Pollution Prevention Plan" and follow "best management practices"; this would reduce impacts to less than significant.

f) Otherwise substantially degrade water quality?	☐	☐	☒	☐

f) **The water well is not located on the property where the asphalt batch plant will be located. Additionally, the water from the well is very corrosive, and the Operator has had to replace the water meter twice since the drilling of the well in 2013. Since the water quality is currently poor, any additional impact would be considered less than significant.**

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
g) Place housing within a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒

g) There is no housing associated with this project; therefore, no impact is expected.

h) Place within a 100-year flood hazard area structures which would impede or redirect the flood flows?	☐	☐	☐	☒

h) The proposed project only includes the portable asphalt equipment, which is not located in a 100 year flood area; therefore, no impact is expected.

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒

i) There are no dams or levees in the project area and no residential structures are proposed. The proposed project is not expected to expose people or structures to a significant risk of loss, injury or death, as a result of flooding. Therefore, no impact is expected.

j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

j) The project is not located in an area inundated by seiche, tsunami, or mudflow. Therefore, no impact is expected.

XII. *LAND USE AND PLANNING*

Would the project:

a) Physically divide an established community?	☐	☐	☐	☒

a) The project site is located on Federally-owned open desert, not within an established community; thus, the mining project would not physically divide an established community, and no impact is anticipated.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (include, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

b) The project would not conflict with the County's General Plan or Land Use Ordinance (LUO). The LUO requires asphalt batch plant projects secure a conditional use permit from Imperial County Planning and Development Services Department that meets all Imperial County Land Use requirements, which is being achieved. Therefore, no impact is expected.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

c) This project does not conflict with any applicable habitat conservation or natural community conservation plans. Therefore, no impact is expected.

XIII. *MINERAL RESOURCES*

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☒	☐

a) The proposed project is a mineral extraction operation which will remove mineral resources on-site during the course of this operation. Raw material and finished products produced from this mining operation is used for the benefit of Imperial

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
County and San Diego County and would result in cumulative positive economic impacts. The loss of mineral impact should be considered less than significant, as significant other resources remain available elsewhere in the County. No other resources will be affected by this project				
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☒	☐
b) As stated above, the mineral extraction impact would be considered less than significant due to other resources that remain available elsewhere in Imperial County. Therefore, impacts would be considered less than significant.				

XIV. ***NOISE***

Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
a) Noise levels in the vicinity of the mine should not exceed the standards established in the Imperial County General Plan, "Noise Element"; therefore, no impacts expected.				
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
b) The operation of a batch plan, the operation of heavy equipment, and the vehicular movement of heavy trucks all create significant amount of noise. However due to its location and the CAL/OSHA requirements, which must be followed by the Operator, any impacts would be considered less than significant.				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
c) The proposed project area is being mined and has been mined for several years. The Operator will also have on site an asphalt batch plant, which will increase the noise level; as stated above; however, the location and CAL/OSHA requirements would reduce the level of impact to less than significant.				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) The proposed area has been mined for several years. With the addition of the batch plant, the noise level may increase; however, as stated above, due to its location and the implementation of CAL/OSHA requirements, would reduce the level of impacts to less than significant.				
e) For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
e) The proposed mining operation is not located within an airport land use plan or a public airport. Therefore, no impact is expected.				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) The proposed project is not within the vicinity of a private airstrip; therefore, no impact is expected.				

XV. ***POPULATION AND HOUSING***

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒

a) The proposed project is a non-residential project proposed for non-residential lands. The continuation of the operation of a portable asphalt batch plant operation will not alter the local population or infrastructure; therefore, no impact is expected.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

b) The proposed project is not a housing project; it is an asphalt batch plant for a mining operation. In addition, the mining site is located within an open desert on Federal land; thus, the construction or replacement of housing is not needed. No impact is expected.

c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

c) No impacts on population or housing would result from the approval of the asphalt batch plant operation. Therefore, no impact is expected.

XVI. *PUBLIC SERVICES*

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☒	☐

Due to the nature of the project (asphalt batch plant) and distance from emergency services, a less than significant impact would be expected on any public services

1) Fire Protection?	☐	☐	☒	☐

a1) There could be an occasional on the job injury that would necessitate a response by the County Fire/Office of Emergency Services; however, the impact would be considered less than significant

2) Police Protection?	☐	☐	☒	☐

a2) Law Enforcement services would be expected to be minimal due to the secured nature of the equipment that will be on-site; thus any impacts would be less than significant.

3) Schools?	☐	☐	☐	☒

a3) The asphalt operation will not have an impact on schools.

4) Parks?	☐	☐	☐	☒

a4) The asphalt operation will not have an impact on parks.

5) Other Public Facilities?	☐	☐	☐	☒

a5) No impacts to other public facilities are expected.

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
XVII. *RECREATION*				
a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒

a) **The proposed project is the installation of a portable asphalt batch plant, which will not increase the use of existing neighborhood and regional parks or other recreational facilities; therefore, no impact is expected.**

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?	☐	☐	☐	☒

b) The proposed project does not propose the construction of recreational facilities nor the increase of recreational facilities of any type. No impact is expected.

XVIII. TRANSPORTATION / TRAFFIC				
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒

a) There are no plans, ordinances, or policies related to the performance of circulation systems that affect the mine site. The site is in a remote desert location and modifications have been made to the access road (American Girl Road); no impact is expected.

b) Conflict with an applicable congestion management program, including but not limited to level of service standard and travel demand measures, or other standards established by the county congestions/management agency for designated roads or highways?	☐	☒	☐	☐

b) During the entitlement process for the mining operation in 2008, a Mitigation Measure was imposed on the parcel where the asphalt batch plant will be located. It read as follows, "The applicant must implement all necessary improvements recommended by Traffic Study. Maintenance to roads used by haul trucks shall be maintained including but not limited to repairing ruts, potholes, dangerous shoulders, sweeping and watering roads for dust suppression.

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The applicant must implement all necessary improvements recommended by Traffic Study. Maintenance to roads used by haul trucks shall be maintained including but not limited to repairing ruts, potholes, dangerous shoulders, sweeping and watering roads for dust suppression.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒

c) The activities of an asphalt batch plant have no effect on air traffic patterns; therefore, no impact is expected.

d) Substantially increases hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

b) As stated in (b) above, modifications were made to the American Girl Road and Ogilby Road to reduce the possibility of traffic accidents, per the Caltrans Manual for Uniform Traffic Control Devices. Therefore, impacts would be considered less than significant.

e) Result in inadequate emergency access?	☐	☐	☐	☒

e) The proposed project would not change the level or type of traffic associated with the currently approved mining operations. Therefore, the proposed project would have no impact on emergency access.

f) Conflicts with adopted policies, plans, programs, regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

f) The mine site is located in a remote area that is not serviced by public transportation, bicycle, or pedestrian facilities. Therefore, no impact is expected.

XIX *UTILITIES AND SERVICE SYSTEMS*

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒

a) No wastewater would be produced, thus there is not a need for wastewater treatment. The operator is utilizing portable restrooms. No impacts are expected.

b) Require or result in the construction of new water or water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

b) The Operator intends to utilize their water well that was previously approved by the Imperial County Planning Commission in 2008. The water will be utilized for dust suppression and will not require water treatment. Therefore, there will be no need for the construction of a water treatment facility and no impact is expected.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

c) The proposed project is an existing mining operation and the addition of an asphalt plant and does not require the use of a storm water drainage facility. Therefore, no impact is expected.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒

d) In 2008, the Imperial County Planning Commission approved Pyramid's Conditional Use Permit #08-0001 for a water well to extract fifty-seven (57) acre feet of water per year. Based on the Operator's water well annual report, the Operator is currently using an average of seventeen (17) acre feet of water per year. No other entitlements will be needed; therefore, no impact is expected.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒

e) The proposed mining project utilizes portable restrooms, a scale and scale house with limited staff on-site; therefore, no wastewater or expanded entitlements needed. No impact is expected

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒

f) Any solid waste generated on site is transported to Pyramid's Heber location and properly permitted waste is collected by Allied Imperial Landfill. The Allied Imperial Landfill located in Imperial, CA has the capacity to serve the American Girl East pit; therefore, no impact expected.

g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

XX. *WILDFIRE*

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

a) The proposed project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones according to California Fire Prevention SRA Fee viewer, therefore, no impacts are expected related to substantially impair an adopted emergency response plan or emergency evacuation plan.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒

b) As previously stated under item a) above, the proposed project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, therefore, no impacts are expected related due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐

c) As previously stated under item a) above, the proposed project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, therefore, it would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Any impact would be less than significant.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

d) As previously stated under item a) above, the proposed project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, therefore it would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Any impact would be less than significant.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino,(1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

Revised 2009- CEQA
Revised 2011- ICPDS
Revised 2016 - ICPDS

	Potentially Significant Impact **(PSI)**	Potentially Significant Unless Mitigation Incorporated **(PSUMI)**	Less Than Significant Impact **(LTSI)**	No Impact **(NI)**

	Potentially Significant Impact **(PSI)**	Potentially Significant Unless Mitigation Incorporated **(PSUMI)**	Less Than Significant Impact **(LTSI)**	No Impact **(NI)**

SECTION 3
III. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, eliminate tribal cultural resources or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☐

IV. PERSONS AND ORGANIZATIONS CONSULTED

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

A. COUNTY OF IMPERIAL

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Assistant Director of Planning & Development Services
- Patricia Valenzuela, Project Planner
- Imperial County Air Pollution Control District
- Department of Public Works
- Fire Department
- Ag Commissioner
- Environmental Health Services
- Sheriff's Office

B. OTHER AGENCIES/ORGANIZATIONS

- **Bureau of Land Management**

V. REFERENCES

1. "County of Imperial General Plan EIR", prepared by Brian F. Mooney & Associates in 1993; and as Amended by County in 1996, 1998, 2001, 2003, 2006 & 2008, 2015
2. Conditional Use Permit #08-00001
3. Reclamation Plan #08-0001
4. BLM EA #CA-760-2008-76, dated November, 2011
5. Stormwater Pollution Prevention Plan #WDID# 7 13IO23923

VI. NEGATIVE DECLARATION – County of Imperial

The following Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act Section 21091 and 21092 of the Public Resources Code.

Project Name:
American Girl East Conditional Use Permit #19-0026

Project Applicant:
Pyramid Construction & Aggregates, Inc.

Project Location:

The Pyramid Construction & Aggregates, Inc. has submitted Conditional Use Permit #19-0026 to amend Conditional Use Permit #16-0008 to construct and operate a portable asphalt batch plant on their existing, 40-acre American Girl East mining site. Their Reclamation Plan #08-0001 and Conditional Use Permit #08-0001 (for a water well, located on APN#050-120-009-000) were approved by the Imperial County Planning Commission on August 27, 2008. If approved, the asphalt plant will provide asphalt to projects in the area..

The asphalt plant has and will include a baghouse, drum mixer, incline conveyor, two ac tanks, cold feed bin, control house, and an 80-ton load out silo. A pug mill plant will also be installed along with a 1,000-gallon water tank, a fully portable 550 BBL silo to store lime, an enclosed rotary vane feed, and two enclosed conveyors. The maximum production is currently 250 tons per hour (tph) or as specified by the Imperial Air Pollution Control District Permit.

The mining site and asphalt plant will operate in daylight only (between 7:00 am and 4:00 pm) during winter months and the staring time in the summer will be 6:00 am, six (6) days a week. No Sundays or holiday operations. Annual extraction combined for both the mining site and plant is 500,000 cubic yards of material. Maximum daily truck trips is 250.

VII. FINDINGS

This is to advise that the County of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environmental and is proposing this Negative Declaration based upon the following findings:

☐ The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

☐ The Initial Study identifies potentially significant effects but:

(1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.

(2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.

(3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

A NEGATIVE DECLARATION will be prepared.

If adopted, the Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the County of Imperial, Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 (442) 265-1736.

NOTICE

The public is invited to comment on the proposed Negative Declaration during the review period.

Date of Determination

Jim Minnick, Director of Planning & Development Services

The Applicant hereby acknowledges and accepts the results of the Environmental Evaluation Committee (EEC) and hereby agrees to implement all Mitigation Measures, if applicable, as outlined in the MMRP.

Applicant Signature

Date

S:\FORMS_LISTS\Planning Initial Study - Environmental Checklist Template 2015.docx

SECTION 4

VIII. RESPONSE TO COMMENTS

Initial Study - Revised 12 19 2020.docx

150 SOUTH NINTH STREET
EL CENTRO, CA 92243-2850

TELEPHONE: (442) 265-1800
FAX: (442) 265-1799

AIR POLLUTION CONTROL DISTRICT

RECEIVED
DEC 26 2019
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

December 26, 2019

Mr. Jim Minnick
Planning & Development Services Director
801 Main St.
El Centro, CA 92243

SUBJECT: Condition Use Permit 19-0026— Pyramid Hot Asphalt Batch Plant

Dear Mr. Minnick:

The Imperial County Air Pollution Control District ("Air District") would like to thank you for the opportunity to review the proposed application for an amended Conditional Use Permit (CUP) that would allow the continued operation of the Pyramid Construction and Aggregates Hot Asphalt Batch Plant ("Project") located at 3737 American Girl Road in Winterhaven, California.

As described in the letter submitted by the applicant, dated December 11, 2019, the intent of the amendment to the CUP is to allow the Project to operate as a full permanent 15-year CUP. As written, the current CUP is a bit outdated and will need amending to reflect consistency with the valid Permit to Operate as issued by the Air District in 2018. Thus, the Air District request a copy of the draft version of the CUP to assure the correct language is included to assure a 15 year applicability and consistency with Air District Rules and Regulations.

The Air District's rule book can be accessed via the internet at http://www.co.imperial.ca.us/AirPollution. Click on "Rules & Regulations" under "Resources" on the left side of the page. Should you have questions, please call our office at (442) 265-1800.

Sincerely,

Curtis Blondell
APC Environmental Coordinator

Reviewed by:
Monica Soucier
APC Division Manager

CUP 19-0026

ADMINISTRATION / TRAINING
1078 Dogwood Road
Heber, CA 92249

Administration
Phone: (442) 265-6000
Fax: (760) 482-2427

Training
Phone: (442) 265-6011

IMPERIAL COUNTY
CRASH RESCUE
FIRE

OPERATIONS/PREVENTION
2514 La Brucherie Road
Imperial, CA 92251

Operations
Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention
Phone: (442) 265-3020

January 27, 2020

RE: Condition Use Permit 19-0026
Pyramid Construction & Aggregates Inc
3737 American Girl Road, Winterhaven, CA

Imperial County Fire Department would like to thank you for the chance to review and comment on CUP 19-0026 for proposed Hot Mix Asphalt Plan location at 3737 American Girl Road, Winterhaven CA, APN: 050-320-031

Imperial County Fire Department has the following comments and/or requirements.

- An approved water supply shall be installed and maintained in accordance with Imperial County Fire Department Rural Water Requirements for Firefighting.
- Fire department access roads shall be a width of a least 20 feet and all weather surface capable of supporting fire apparatus. Fire department access roads will be provided with approved turn around approved by Imperial County Fire Department. Gates will be in accordance with the current adapted fire code and the facility will maintain a Knox Box/lock for access on site.
- Secondary access shall be required and shall be kept clear of vehicle congestion and other factors that could limit access.
- A Hazardous Waste Material Plan (HWMP) shall be submitted to Certified Unified Program Agency (CUPA) for their review and approval. All spills shall be documented and reported to Imperial County Fire Department and CUPA as required by the Hazardous Waste Material Plan.
- Hazardous Material Management Plan (HMMP) shall be required for all hazardous materials on site.
- All storage and handling of flammable and combustible liquids shall be in accordance with the California Fire Code and all federal, state, and local regulations, codes, and ordinances.
- Compliance with all required sections of the fire code.

Imperial County Fire Department reserves the right to comment at a later time as we feel necessary.
If you have any questions, please contact the Imperial County Fire Prevention Bureau at 442-265-3020 or 442-265-3021.

Sincerely
Andrew Loper
Lieutenant/Fire Prevention Specialist
Imperial County Fire Department
Fire Prevention Bureau

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES – Please type or print -

1. PROPERTY OWNER'S NAME El Centro Bureau of Land Management, El Centro District Office	EMAIL ADDRESS	
2. MAILING ADDRESS (Street / P O Box, City, State) 161 South 4th Street, El Centro, CA	ZIP CODE 92243	PHONE NUMBER 760-337-4400
3. APPLICANT'S NAME Pyramid Construction and Aggregates, Inc.	EMAIL ADDRESS george@pyramidca.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 839 Dogwood Rd. Heber, CA	ZIP CODE 92249	PHONE NUMBER 760-337-5839
4. ENGINEER'S NAME CA. LICENSE NO.	EMAIL ADDRESS	
5. MAILING ADDRESS (Street / P O Box, City, State)	ZIP CODE	PHONE NUMBER

6. ASSESSOR'S PARCEL NO. 050-320-031	SIZE OF PROPERTY (in acres or square foot) 40 acres of a 799.65 acre site	ZONING (existing) S2-G5
7. PROPERTY (site) ADDRESS 3737 American Girl Road, Winterhaven, CA		
8. GENERAL LOCATION (i.e. city, town, cross street) 3 miles northeast of Ogilby Road on American Girl Road		
9. LEGAL DESCRIPTION Section 19, Township 15 South, Range 21 East		

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail) HMA (hot mix asphalt plant) - see attached description
11. DESCRIBE CURRENT USE OF PROPERTY HMA & mining operation
12. DESCRIBE PROPOSED SEWER SYSTEM N/A
13. DESCRIBE PROPOSED WATER SYSTEM N/A
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM N/A
15. IS PROPOSED USE A BUSINESS? ☒ Yes ☐ No — IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? 5

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

George Flanigan — Print Name
11/22/2019 — Date
Signature

Print Name — Date
Signature

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN
B. FEE $5,500.
C. OTHER Project description
D. OTHER September 5th letter to Planning

APPLICATION RECEIVED BY:		DATE	11/22/19
APPLICATION DEEMED COMPLETE BY:		DATE	
APPLICATION REJECTED BY:		DATE	
TENTATIVE HEARING BY:		DATE	
FINAL ACTION: ☐ APPROVED ☐ DENIED		DATE	

REVIEW / APPROVAL BY OTHER DEPT'S required.
☐ P. W.
☐ E. H. S.
☐ A. P. C. D
☐ O. E. S.
☐
☐

CUP # 19-0026

December 11, 2019

Conditional Use Permit for a Portable Asphalt Plant (as extension of CUP #16-0008)
American Girl Mine East, Winterhaven, CA

Project Description (Revised):

Pyramid Construction and Aggregates currently operates a mining operation and a portable hot mix asphalt plant located at the captioned location in Winterhaven, CA. The plant currently operates in accordance with general and specific conditions provided by CUP #16-0008. Pyramid Construction and Aggregates seeks to continue this operation under a conditional use permit for the maximum permissible time available under the Planning Dept. permit guidelines. We understand this to be a three year term with successive permit extensions for up to 15 years.

Asphalt is produced using one asphalt plant and associated equipment. The plant includes a baghouse, drummixer, Incline conveyor, two ac tanks, cold feed bin, and control house and an 80 ton load-out silo. A Pugmill plant is installed along with a 1,000 gallon water tank, a fully portable 550 BBL silo to store lime, an enclosed rotary vane feed and two enclosed conveyors. The maximum production is currently 250 tons per hour (tph) or as specified by the Imperial Air Pollution Control District Permit. The maximum annual production is 250,000 tons for ICAPCD evaluation purposes.

Water for the tank will come from the water well which is permitted under CUP # 08-0001. We anticipate the usage for the asphalt plant to be ½ an acre ft per year. Under the current CUP we are permitted for 57 acre feet per year of water. With the additional of only ½ an acre ft per year of water, we in no way will exceed the yearly allowable consumption.

In the asphalt process, aggregate material is fed from finished stockpiles to a series of cold bin hoppers/feeders via a front end loader. The aggregate then goes thru a Pugmill which adds lime and water to the aggregate. The Pugmill is enclosed and will comply with all ICAPCD and other regulatory requirements relating to this process. After passing thru the Pugmill, the treated aggregate is then conveyed to the remainder of the asphalt plant. The plant heats and dries the materials in a rotary dryer fired by propane that is vaporized for cleaner fuel efficiency where the aggregates are then mixed with asphaltic oil. The finished product is transported on an enclosed drag conveyor to an insulated and sealed load-out silo. All employees involved in this process have been trained and issued the proper PPE for these products, which is safety glasses, gloves & long sleeves. The lime is stored in enclosed storage vessels designed to hold lime and lime type products. As listed on the silo equipment, baghouse type equipment is

be far less dangerous by lifting restrictions on hours of operation. Given the harsh climate of Imperial County, the current limitation on daytime operating hours requirement places our employees at a significantly higher risk of heat exhaustion and other high heat related injuries and illnesses. Operating the asphalt plant during nighttime hours with cooler temperatures will significantly improve worker safety.

Further, it is our understanding that the CUP 16-0008 was issued by ICPDS as a temporary permit. We understand that the existing permit may be amended to be permanent in nature and that amendment would allow for 15 years with 5 successive three-year permit periods. At this time, Pyramid Construction and Aggregates would like to request that CUP #16-0008 be amended to be a full, permanent 15-year CUP.

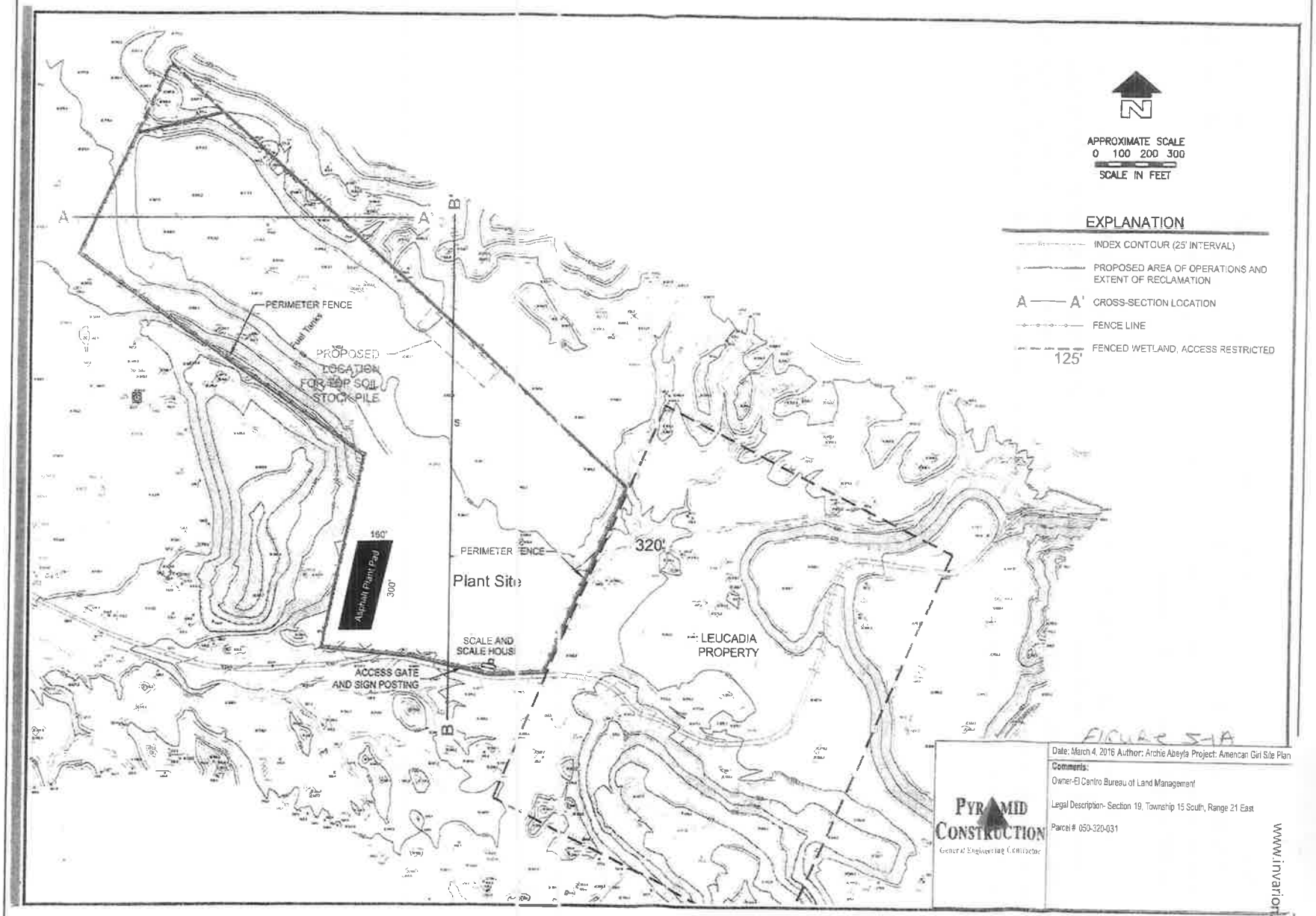

FIGURE 5-1A

PYRAMID CONSTRUCTION
General Engineering Contractor

Date: March 4, 2016 Author: Archie Abeyta Project: American Girl Site Plan

Comments:

Owner-El Centro Bureau of Land Management

Legal Description- Section 19, Township 15 South, Range 21 East

Parcel # 050-320-031